

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DALE LEACH and KAYE LEACH,)
)
)
Plaintiffs,)
)
vs.) Case No. 08-cv-0143-MJR-CJP
)
CONOCO PHILLIPS COMPANY)
and BAUER CORPORATION,)
)
Defendant.)

ORDER DISMISSING DEFENDANT BAUER

Reagan, District Judge:

On August 6, 2008, the Court dismissed with prejudice Counts 3 and 4 of Plaintiffs' first amended complaint (products liability and loss of consortium claims against Defendant Bauer Corporation) but refrained from dismissing Bauer as a Defendant, allowing Plaintiffs an opportunity to file a second amended complaint alleging any *other* claims they might have against Bauer. Those claims had to be presented in a second amended complaint filed on or before September 6, 2008. See Doc. 34.

The September 6, 2008 deadline has elapsed. Plaintiffs' neither filed an amended complaint nor sought additional time in which to do so. Accordingly, **no claims remain against Bauer herein**, and the Court **DISMISSES Bauer** from this action. Still remaining are Plaintiffs' claims against Defendant Conoco Phillips (Counts 1 and 2 of the first amended complaint, alleging negligence and loss of consortium). In all future pleadings, the parties shall omit the reference to Defendant Bauer and style the case as *Dale Leach and Kaye Leach, Plaintiffs, vs. Conoco Phillips Company, Defendant.*

IT IS SO ORDERED.

DATED this 19th day of September 2008.

s/ Michael J. Reagan _____
Michael J. Reagan
United States District Judge